IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5997 of 2005

Between:

Pelluru Sathis Babu, S/o. Srinivasulu Naidu,
R/o. Plot No.66, SBI Colony, Nellore District.

..... PETITIONER

AND

1 The Manging Director, AP Industrial Infastructure Corporation Ltd.,
5-9-58/B, 6th Floor, Parisrama Bhavanam, Fateh Maidan Road,

Hyderabad.
2 The Zonal Manager, A.P. Industrial Infastructure Corporation Ltd.,

Nellore.
3 The District Collector, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in inducting the third party in Plot No.B-9 situated in NI Estate APIIC, Nellore without considering the application dt. 4.3.2004 made by the petitioner for allotment of the Plot No.B-9, NI Estate, APIIC, Nellore as illegal, arbitrary, irrational and violation of Articles 14, 21 of Constitution of India and consequentially direct the respondents to allot the Plot No.B-9 situated in NI Estate APIIC, Nellore to the petitioner in pursuance of his application dt. 4.3.2004, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.LAKSHMINARAYANA REDDY

Counsel for the Respondent Nos.1 and 2: MR.E.MADAN MOHAN RAO

Counsel for the Respondent No.3: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondents in inducting the third party in plot No.B-9 situated in NI Estate APIIC, Nellore without considering the application dated 04.03.2004 made by the petitioner for allotment of the Plot No.B-9, NI Estate, APIIC, Nellore, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Counsel appearing for respondents 1 and 2.

On instructions, the learned Counsel, appearing for respondents 1 and 2 submitted that the petitioner has not filed any application for allotment of plot No.B-9 and it is not in vacant possession and the respondents have not inducted any third party into possession of plot No.B-9. He further submitted that the Director of Handlooms and Textiles, A.P.Hyderabad has sub-leased the said plot No.B-9, APIE Nellore in favour of a third party, and the new party has renewed the building and started functioning of Zari Unit, and APIIC is not connected to this issue of sub-letting by the Director of Handlooms and Textiles, which is contrary to the rules of the Societies Act which are under liquidation.

In view of the submissions made by the learned Counsel, appearing for respondents 1 and 2, the question of respondents inducting third party in plot No.B-9 does not arise and the consequential prayer directing the respondents to allot the plot No.B-9 to the petitioner cannot be granted. The Writ Petition is devoid of merit.

The Writ Petition is, accordingly, dismissed. No order as to costs.

Dated: 30.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Managing Director,

AP Industrial Infrastructure Corporation Ltd.,

5-9-58/B, 6th Floor, Parisrama Bhavanam,

Fateh Maidan Road, Hyderbad

2. The Zonal Manager,

A.P.Industrial Infrastructure Corporation Ltd.,

Nellore

3. The District Collector,

Nellore, Nellore District

4. Two CCs to the Government Pleader for

Revenue, High Court Buildings, Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**JGK**}*